

## 1 **Rule 35. Petition for rehearing.**

2 (a) ~~Petition for rehearing for rehearing permitted. A rehearing will not be granted~~  
3 ~~in the absence of a petition for rehearing.~~

4 (1) Petition. A petition for rehearing seeking to alter a decision in a manner  
5 that affects the substantive rights of the parties or any mandate or rule of law  
6 established by the decision may be filed only in cases in which the court ~~has~~  
7 ~~issued~~s an opinion, memorandum decision, ~~or~~ per curiam decision, or order  
8 resolving the appeal on the merits. ~~No other petitions for rehearing will be~~  
9 ~~considered.~~

10 ~~(b)2) Time for filing.~~ A petition for rehearing may be filed with the clerk  
11 within 14 days after the court ~~issuance of~~ es ~~the opinion, memorandum~~  
12 ~~decision, or per curiam decision of the court~~ an opinion, memorandum  
13 decision, per curiam decision, or order resolving the appeal on the merits,  
14 unless the time is shortened or enlarged by order.

15 ~~(c)3) Contents of petition.~~ The petition ~~shall~~ must succinctly state and  
16 explain ~~with particularity~~ the points of law or fact ~~which~~ that the petitioner  
17 claims the court has overlooked or misapprehended and ~~shall~~ must contain  
18 such argument in support of the petition as the petitioner desires. ~~Counsel~~  
19 ~~for~~ The petitioner must certify that the petition is presented in good faith and  
20 not for delay.

21 ~~(d) Oral argument.~~ ~~Oral argument in support of the petition will not be~~  
22 ~~permitted.~~

23 ~~(e)4) Response.~~ No response to a petition for rehearing will be received  
24 unless requested by the court. Any response ~~shall~~ must be filed within 14

25 days after the entry of the order requesting the response, unless otherwise  
26 ordered by the court. A petition for rehearing will not be granted in whole or  
27 in part in the absence of a request for a response.

28 ~~(f)~~ **Form of petition.** The petition ~~shall~~must be in ~~a~~the form prescribed by  
29 Rule 27 (a), (b), and (d) with respect to contents of the cover and ~~shall~~must  
30 include a copy of the decision to which it is directed.

31 ~~(g) Number of copies to be filed and served. An original and 6 copies shall~~  
32 ~~be filed with the court. Two copies shall be served on counsel for each party~~  
33 ~~separately represented.~~

34 ~~(h)~~ **Length.** Except by ~~order of the~~ court order, a petition for rehearing and  
35 any response requested by the court ~~shall~~may not exceed 15 pages.

36 ~~(i) Color of cover. The cover of a petition for rehearing shall be tan; that of~~  
37 ~~any response to a petition for rehearing filed by a party, white; and that of~~  
38 ~~any response filed by an amicus curie, green. All brief covers shall be of~~  
39 ~~heavy cover stock. There shall be adequate contrast between the printing and~~  
40 ~~the color of the cover.~~

41 ~~(j)~~ **Action by court if granted.** ~~If a petition for rehearing is granted, t~~The  
42 court may ~~make a final disposition~~dispose of ~~the cause~~a petition for  
43 rehearing without reargument, or may restore ~~it~~the case to the calendar  
44 for reargument or resubmission, or may make such other orders as are  
45 deemed appropriate under the circumstances of the particular case.

46 ~~(k)~~ **Untimely or consecutive petitions.** Petitions for rehearing that are not  
47 timely presented under this rule and consecutive petitions ~~for rehearing~~ will  
48 ~~not be received~~rejected by the clerk.

49 ~~(4)~~ **Amicus curiae.** An amicus curiae may not file a petition for rehearing  
50 but may file a response to a petition if the court has requested a response  
51 under paragraph ~~(e)~~~~(4)~~ ~~of this rule.~~

52 **(b) Nonsubstantive or clerical error.**

53 (1) If a decision contains a nonsubstantive or clerical error, a party may  
54 promptly advise the appellate clerk by letter, with a copy to all other parties,  
55 identifying the error, suggesting how the error may be corrected, and stating  
56 the position of other parties regarding the requested correction. Any  
57 response must be made promptly and concisely.

58 (2) If the court concludes the letter requests a substantive revision, it may  
59 construe the letter as a petition for rehearing if timely filed under paragraph  
60 (a)(2) and call for a response.

61 (3) The court may make nonsubstantive corrections without prior notice to  
62 the parties.